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09/786,929	03/12/2001	Yukiko Takeda	H-969	7978

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT PAPER NUMBER

2151

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,929

Applicant(s)

TAKEDA ET AL.

Examiner

Hassan Phillips

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8 and 10-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,5-8 and 10-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments and remarks filed on November 15, 2004.

Claim Objections

2. Claims 1, 2, 5, 6, 12, and 14, are objected to because of the following informalities: The acronym for Internet Protocol (IP) is misprinted throughout the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. After consideration of the amendments made to claims 1, 2, 5, and 6, to correct antecedent basis issues, Examiner has withdrawn rejection of the claims under 35 USC 112, second paragraph.

Response to Arguments

4. Applicant's arguments filed November 15, 2004 have been fully considered but they are not persuasive. Applicant argued that:

- a) Examiner rejected claims based on an improper assertion of Applicant's Admitted Prior Art (AAPA),
- b) Sitaraman does not disclose anything about a DNS server having a correspondence between an IP address of a destination communication apparatus and the identifier of the corresponding gateway apparatus; and,

- c) Sitaraman does not disclose data communication using data in the DNS server nor a source side communication control apparatus that communicates with the data in the DNS server as in the present invention.

Examiner respectfully disagrees.

5. Regarding item a), Examiner submits that incorrect page numbers were inadvertently cited when referencing the AAPA. Nevertheless, Examiner feels Applicant should have recognized that the teachings used to reject the claims under 35 USC 103 were well known in the art, since Applicant admitted the teachings were well known in the disclosure of the claimed invention. Examiner therefore feels the rejections were proper. The correct page numbers citing the AAPA are now indicated in the following rejection.

6. Regarding items b) and c), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., DNS server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the recitation, "a server for holding information on correspondence between IP addresses allocated to communication apparatuses and the names of said communication apparatuses" has not been given patentable weight because the

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recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

7. Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 5-8, 10-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. (hereinafter Sitaraman), U.S. Patent 6,427,170, in view of the Applicants Admitted Prior Art (AAPA).

10. In considering claims 1 and 2, Sitaraman teaches a packet communication control apparatus for data communication with a mobile terminal, the apparatus being connected via a network to a server for holding information on correspondence between IP addresses allocated to communication apparatuses and the names of the communication apparatuses; a plurality of gateway apparatuses; and a service control apparatus for holding location information and service information for each mobile terminal, comprising: means for reading an identifier of one of a plurality of the gateway apparatuses from the service control apparatuses, the gateway apparatus being a home gateway apparatus set permanently for the mobile terminal, (col. 8, lines 66-67, col. 9, lines 1-22); means for receiving, when an IP address is allocated to the mobile terminal, the IP address from the mobile terminal, and means for sending the allocated IP address and the identifier of the home gateway apparatus to the server, (col. 9, lines 23-40).

Although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose starting a data communication with another communication apparatus.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 7-14.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a signal for sending a query to another communication apparatus about the address information, the address information being sent to the server by the mobile terminal so as to start data communication with the other apparatus, and a memory for storing the address information of the other communication apparatus and the identifier of the home gateway apparatus set permanently for the other communication apparatus, the address information being included in a reply signal returned from the server to the signal. This would have shown an effective means of communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

Although the modified teachings of Sitaraman disclose significant features of the claimed invention, they further fail to expressly disclose sending the packet to the home gateway of the mobile terminal after the home gateway identifier is added thereto.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention as well. See page 6, lines 20-25.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a means for reading the identifier of the home gateway apparatus of the other communication apparatus from the memory when receiving a packet addressed to the other communication apparatus from the mobile terminal, and a means for sending the packet to the home gateway apparatus of the mobile terminal after the read home gateway apparatus identifier is added thereto. This would have further shown an effective means for communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

11. In considering claims 5, and 6, Sitaraman teaches a packet communication control method employed for a packet communication control apparatus for data communication with a mobile terminal, the apparatus being connected via a network to a server for holding information on correspondence between IP addresses allocated to communication apparatuses and the names of the communication apparatuses; a plurality of gateway apparatuses; and a service control apparatus for holding location information and service information for each mobile terminal, comprising the steps of: receiving an identifier of one of a plurality of the gateway apparatuses from the mobile terminal, the gateway apparatus being a home gateway apparatus set permanently for the mobile terminal, (col. 8, lines 66-67, col. 9, lines 1-22); receiving, when an IP address is allocated to the mobile terminal, the IP address from the mobile terminal, and

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sending the allocated IP address and the identifier of the home gateway apparatus to the server, (col. 9, lines 23-40), wherein the IP address allocated to the mobile terminal is an IP address allocated by the home gateway apparatus, (col. 8, lines 5-8).

Although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose starting a data communication with another communication apparatus.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 7-14.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a signal for sending a query to another communication apparatus about the address information, the address information being sent to the server by the mobile terminal so as to start data communication with the other apparatus, and a memory for storing the address information of the other communication apparatus and the identifier of the home gateway apparatus set permanently for the other communication apparatus, the address information being included in a reply signal returned from the server to the signal. This would have shown an effective means of communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

12. In considering claims 7 and 8, although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose sending the packet to the home gateway of the mobile terminal after the home gateway identifier is added thereto.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 20-25.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a means for reading the identifier of the home gateway apparatus of the other communication apparatus from the memory when receiving a packet addressed to the other communication apparatus from the mobile terminal, and a means for sending the packet to the home gateway apparatus of the mobile terminal after the read home gateway apparatus identifier is added thereto. This would have further shown an effective means for communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

13. In considering claim 10, Sitaraman teaches a packet communication control apparatus connected via a network to a plurality of gateway apparatuses and a subscriber node, comprising: a table on correspondence between identifiers and addresses of a plurality of the gateway apparatuses, (col. 9, lines 57-67, col. 10, lines 1-5).

Although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose transferring the packet to a destination gateway apparatus.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 17-25.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a means for deciding, when receiving a packet to which a header including the identifier of a destination gateway apparatus from the subscriber node, the address of the destination gateway apparatus with use of the table on correspondence, and means for transferring the packet to the destination gateway apparatus. This would have shown an effective means for communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

14. In considering claim 11, the AAPA further shows a means for adding a header including self-address information and the address information of a destination apparatus to be transferred to the destination apparatus being well known in the art at the time of the present invention. See page 6, line 25, and page 7, lines 1-3.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show the gateway apparatus comprising a means for adding a header including self-address information and the address information of the destination gateway apparatus to a packet to be

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transferred to the destination gateway apparatus. This would have further shown an effective means for communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

15. In considering claim 12, although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose starting a data communication with another communication apparatus.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 7-14.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a signal for sending a query to another communication apparatus about the address information, the address information being sent to the server by the mobile terminal so as to start data communication with the other apparatus, and a memory for storing the address information of the other communication apparatus and the identifier of the home gateway apparatus set permanently for the other communication apparatus, the address information being included in a reply signal returned from the server to the signal. This would have shown an effective means of communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

16. In considering claim 13, although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose transferring the packet to a destination gateway apparatus.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 17-25.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a means for deciding, when receiving a packet to which a header including the identifier of a destination gateway apparatus from the subscriber node, the address of the destination gateway apparatus with use of the table on correspondence, and means for transferring the packet to the destination gateway apparatus. This would have shown an effective means for communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

17. In considering claim 14, Sitaraman teaches a packet communication control apparatus connected via a network to a plurality of gateway apparatuses and a subscriber node, comprising: a table on correspondence between identifiers and addresses of a plurality of the gateway apparatuses, (col. 9, lines 57-67, col. 10, lines 1-5).

Although Sitaraman discloses significant features of the claimed invention, he fails to expressly disclose starting a data communication with another communication apparatus.

Nevertheless the Applicant admits in the specification that this feature was well known in the art at the time of the present invention. See page 6, lines 7-25, and page 7, lines 1-3.

Thus, given the teachings of the AAPA, it would have been obvious to one of ordinary skill in the art to modify the teachings of Sitaraman to show a means for sending a control signal including address information of the other communication apparatus to the server so as to obtain the identifier of the home gateway apparatus set which is permanently for the other communication apparatus and is selected from among a plurality of the gateway apparatuses when receiving a packet addressed to the other communication apparatus from the mobile terminal, and a means for identifying the address information of the home gateway apparatus of the other communication apparatus from said identifier of said home gateway apparatus of the other communication apparatus included in a reply signal returned to the control signal by referring to the table on correspondence and transferring the packet to the home gateway apparatus of the other communication apparatus. This would have shown an effective means of communications between two communication apparatuses in a communications network that provides for the management of IP addresses utilizing dynamic IP address assignment, Sitaraman, col. 4, lines 56-60.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ZARNI MAUNG
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